

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/24/03

A Bill

SENATE BILL 755

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE UNIFORM CLASSIFICATION AND
10 COMPENSATION ACT FOR THE 2003-2005 BIENNIAL
11 PERIOD; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO AMEND THE UNIFORM
14 CLASSIFICATION AND COMPENSATION ACT FOR
15 THE 2003-2005 BIENNIAL PERIOD.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 21-5-209 is amended to read as follows:
22 21-5-209. Compensation plan.

23 (a) There is established for state agencies and institutions covered
24 by the provisions of this subchapter a compensation plan for the setting of
25 salaries and salary increases, where deserved, of all employees serving in
26 positions covered by this subchapter.

27 (b) No employee shall be paid at a rate of pay higher than the
28 appropriate rate in the grade assigned to his or her class, and no employee
29 shall be paid more than the maximum for his or her grade, provided that
30 employees presently employed in a position who are being paid at a rate in
31 excess of the maximum for their assigned grade may continue to receive their
32 rate of pay.

33 (c) It is the specific intent of the General Assembly to authorize, in
34 the enactment of this compensation plan, maximum rates of pay for each of the
35 appropriate grades assigned to a class, but it is not the intent that any pay
36 increases shall be automatic or that any employee shall have a claim or a



03062003MTB1145.JGR462

1 right thereto unless the department head of the agency or the institution
 2 shall determine that the employee, by experience, ability, and work
 3 performance, has earned the increase in pay authorized for the appropriate
 4 rate.

5 (d)(1) The following grades and pay levels shall be the authorized
 6 compensation plan, effective ~~July 1, 2001~~ July 1, 2003, for the state service
 7 for all positions of agencies and institutions covered by this subchapter to
 8 which a classification title and salary grade have been assigned, in
 9 accordance with this subchapter and the appropriation act of the agency or
 10 institution:

11					
12	<i>PAY LEVEL</i>	<i>I</i>	<i>II</i>	<i>III</i>	<i>IV</i>
13					
14	<i>GRADE 1</i>	\$11,916	\$11,916	\$11,916	\$12,397
15	<i>GRADE 2</i>	\$11,916	\$14,334	\$17,058	\$22,686
16	<i>GRADE 3</i>	\$12,298	\$14,626	\$17,381	\$23,149
17	<i>GRADE 4</i>	\$12,298	\$14,916	\$17,738	\$23,649
18	<i>GRADE 5</i>	\$12,298	\$15,208	\$18,096	\$24,047
19	<i>GRADE 6</i>	\$12,484	\$15,501	\$18,451	\$24,580
20	<i>GRADE 7</i>	\$12,745	\$15,824	\$18,841	\$25,043
21	<i>GRADE 8</i>	\$13,004	\$16,148	\$19,198	\$25,575
22	<i>GRADE 9</i>	\$13,490	\$16,732	\$19,909	\$26,471
23	<i>GRADE 10</i>	\$14,365	\$17,834	\$21,208	\$28,198
24	<i>GRADE 11</i>	\$15,306	\$18,970	\$22,570	\$30,058
25	<i>GRADE 12</i>	\$16,279	\$20,202	\$24,060	\$32,019
26	<i>GRADE 13</i>	\$17,349	\$21,531	\$25,618	\$34,110
27	<i>GRADE 14</i>	\$18,485	\$22,926	\$27,272	\$36,336
28	<i>GRADE 15</i>	\$19,684	\$24,418	\$29,055	\$38,662
29	<i>GRADE 16</i>	\$20,981	\$26,006	\$30,935	\$41,220
30	<i>GRADE 17</i>	\$22,148	\$27,694	\$32,947	\$43,876
31	<i>GRADE 18</i>	\$23,768	\$29,477	\$35,086	\$46,732
32	<i>GRADE 19</i>	\$25,358	\$31,422	\$37,388	\$49,788
33	<i>GRADE 20</i>	\$26,979	\$33,466	\$39,822	\$53,077
34	<i>GRADE 21</i>	\$28,763	\$35,638	\$42,383	\$56,564
35	<i>GRADE 22</i>	\$30,613	\$37,941	\$45,139	\$60,118
36	<i>GRADE 23</i>	\$32,591	\$40,405	\$48,089	\$64,037

1	GRADE 24	\$34,730	\$43,030	\$51,203	\$68,189
2	GRADE 25	\$36,967	\$45,820	\$54,542	\$72,607
3	GRADE 26	\$39,366	\$48,803	\$58,078	\$77,356

4 (2) The following grades and pay levels shall be the authorized
5 compensation plan, effective ~~July 1, 2002~~ July 1, 2004, and thereafter, for
6 the state service for all positions of agencies and institutions covered by
7 this subchapter to which a classification title and salary grade have been
8 assigned, in accordance with this subchapter and the appropriation act of the
9 agency or institution:

10

11	PAY LEVEL	I	II	III	IV
12					
13	GRADE 1	\$12,238	\$12,238	\$12,238	\$12,397
14	GRADE 2	\$12,238	\$14,334	\$17,058	\$22,686
15	GRADE 3	\$12,630	\$14,626	\$17,381	\$23,149
16	GRADE 4	\$12,630	\$14,916	\$17,738	\$23,649
17	GRADE 5	\$12,630	\$15,208	\$18,096	\$24,047
18	GRADE 6	\$12,821	\$15,501	\$18,451	\$24,580
19	GRADE 7	\$13,089	\$15,824	\$18,841	\$25,043
20	GRADE 8	\$13,355	\$16,148	\$19,198	\$25,575
21	GRADE 9	\$13,854	\$16,732	\$19,909	\$26,471
22	GRADE 10	\$14,753	\$17,834	\$21,208	\$28,198
23	GRADE 11	\$15,719	\$18,970	\$22,570	\$30,058
24	GRADE 12	\$16,718	\$20,202	\$24,060	\$32,019
25	GRADE 13	\$17,818	\$21,531	\$25,618	\$34,110
26	GRADE 14	\$18,984	\$22,926	\$27,272	\$36,336
27	GRADE 15	\$20,215	\$24,418	\$29,055	\$38,662
28	GRADE 16	\$21,547	\$26,006	\$30,935	\$41,220
29	GRADE 17	\$22,746	\$27,694	\$32,947	\$43,876
30	GRADE 18	\$24,410	\$29,477	\$35,086	\$46,732
31	GRADE 19	\$26,043	\$31,422	\$37,388	\$49,788
32	GRADE 20	\$27,707	\$33,466	\$39,822	\$53,077
33	GRADE 21	\$29,540	\$35,638	\$42,383	\$56,564
34	GRADE 22	\$31,439	\$37,941	\$45,139	\$60,118
35	GRADE 23	\$33,471	\$40,405	\$48,089	\$64,037
36	GRADE 24	\$35,668	\$43,030	\$51,203	\$68,189

1	GRADE 25	\$37,965	\$45,820	\$54,542	\$72,607
2	GRADE 26	\$40,429	\$48,803	\$58,078	\$77,356

3 (e) It is the intent of the General Assembly that the compensation
4 plan provided for in subsections (a) through (d) of this section shall be
5 implemented and function in compliance with the Regular Salary Procedures and
6 Restrictions Act, § 21-5-101 et seq., other provisions in the Uniform
7 Classification and Compensation Act, § 21-5-201 et seq., and other fiscal
8 control laws of this state, where applicable.

9

10 SECTION 2. Arkansas Code § 21-5-211 is amended to read as follows:

11 21-5-211. Implementation procedure for grade changes - Salary
12 adjustments.

13 (a) The Office of Personnel Management of the Division of Management
14 Services of the Department of Finance and Administration shall have
15 administrative responsibility for enforcing compliance by state agencies and
16 institutions affected by this subchapter in implementing classification grade
17 changes.

18 (b) Subject to funds and appropriations being provided, the following
19 implementation procedures shall apply to state agencies and institutions
20 covered by the provisions of this subchapter, commencing on July 1 of each
21 fiscal year:

22 (1) The maximum annual salary rate for which an employee covered
23 by the provisions of this subchapter shall be eligible for each year of the
24 biennium shall be determined as follows:

25 (A)(i) ~~The maximum rate of compensation for which an~~
26 ~~employee shall be eligible on July 1, 2001, shall be determined by increasing~~
27 ~~the employee's June 30, 2001, salary by two and six tenths percent (2.6%).~~
28 For employees whose annual salary rate on June 30 is:

29 (a) Twenty-one thousand one hundred twenty-
30 eight dollars (\$21,128) or less, the employee is eligible for an annual
31 increase of five hundred seventy dollars (\$570);

32 (b) Twenty-one thousand one hundred twenty-
33 eight dollars (\$21,128) to fifty thousand dollars (\$50,000), the employee is
34 eligible for an annual salary increase of five hundred seventy dollars (\$570)
35 plus two and seven-tenths percent (2.7%) of the amount that the employee's
36 June 30 salary exceeds twenty-one thousand one hundred twenty-eight dollars

1 (\$21,128);

2 (c) Fifty thousand and one dollars (\$50,001)
3 to ninety thousand dollars (\$90,000), the employee is eligible for an annual
4 increase of one thousand three hundred fifty dollars (\$1,350) plus one and
5 nine tenths percent (1.9%) of the amount that the employee's June 30 salary
6 exceeds fifty thousand dollars (\$50,000); and

7 (d) Ninety thousand and one dollars (\$90,001)
8 and above, the employee is eligible for an annual increase of two thousand
9 one hundred ten dollars (\$2,110) plus one and four tenths percent (1.4%) of
10 the amount that the employee's June 30 salary exceeds ninety thousand dollars
11 (\$90,000);

12 (ii) Employees whose salaries fall below Pay Level I
13 for the grade assigned to their classification may be adjusted to the entry
14 level.

15 (iii) All other employees' salaries shall be
16 adjusted to the appropriate pay level for the grade assigned to their
17 classification but may not exceed the maximum rate provided for that grade
18 unless otherwise provided for by this section; .

19 (iv) Employees whose June 30 annual salary rate is
20 at Pay Level IV shall be eligible for the increase provided in subdivisions
21 (a) through (d) of this section, but the increase shall be paid as a lump sum
22 on June 30 of the year in which the increase is to occur;

23 ~~(B)(i) The maximum rate of compensation for which an~~
24 ~~employee shall be eligible on July 1, 2002, shall be determined by increasing~~
25 ~~the employee's June 30, 2002, salary by two and six tenths percent (2.6%).~~

26 ~~(ii) Employees whose salaries fall below Pay Level I~~
27 ~~for the grade assigned to their classification may be adjusted to the entry~~
28 ~~level.~~

29 ~~(iii) All other employees' salaries shall be~~
30 ~~adjusted to the appropriate pay level for the grade assigned to their~~
31 ~~classification but may not exceed the maximum rate provided for that grade~~
32 ~~unless otherwise provided for by this section;~~

33 ~~(G)(B) Salary adjustments provided for in this section~~
34 ~~shall be made for all employees covered by the provisions of this subchapter~~
35 ~~prior to all other salary adjustments;~~

36 ~~(D)(C) When an employee is demoted for cause or voluntarily~~

1 solicits a demotion, his or her rate of pay shall be fixed in the lower-
2 graded position at a rate equal to six percent (6%) less than the employee's
3 rate of pay at the time of demotion for demotions of one (1) grade and a
4 maximum of eight percent (8%) less than the employee's rate of pay at the
5 time of demotion for demotions of two (2) or more grades;

6 ~~(E)(i) During the 2001-2003 biennium, employees covered by~~
7 ~~the provisions of this subchapter shall be eligible for an additional two~~
8 ~~percent (2%) salary increase each year of the biennium, provided that the~~
9 ~~Chief Fiscal Officer of the State determines that sufficient general revenues~~
10 ~~become available and provided that the additional two percent (2%) salary~~
11 ~~increase shall not allow an employee's compensation to exceed the amount set~~
12 ~~out for Level IV for the position.~~

13 ~~(ii) Employees compensated at Pay Level IV shall be~~
14 ~~eligible to receive the two percent (2%) salary increase authorized in this~~
15 ~~section during the 2001-2003 biennium as lump sum payments and the payments~~
16 ~~shall not be construed as exceeding the maximum salary;~~

17 ~~(F)(D)(i)~~ An employee who due to legislative enactment is
18 to be compensated at a higher grade, i.e., an upgrade, than that which was in
19 effect on June 30 of the previous fiscal year shall be eligible for an
20 additional six percent (6%) increase in his or her maximum annual salary in
21 the new grade.

22 (ii) An employee who due to legislative enactment is
23 to be compensated at a lower grade, i.e., a downgrade, than that which was in
24 effect on June 30 of the previous year shall not have his or her maximum
25 salary rate reduced due to the grade reduction, and the employee's salary
26 shall remain constant until that employee's assigned grade maximum is equal
27 to or exceeds the employee's established salary; and

28 ~~(G)(E)(i)~~ Any employee whose specific job assignment
29 requires the skill to communicate in a language other than English, including
30 American Sign Language, and that skill is required as a secondary minimum
31 qualification by the classification specification for the position occupied
32 by the employee, shall be eligible to be paid up to an additional ten percent
33 (10%) of the employee's annual salary as set by § 21-5-209.

34 (ii) In those instances where the granting of the
35 additional compensation would have the effect of exceeding the maximum annual
36 rate for the grade assigned to the employee's classification, the additional

1 compensation shall not be considered as exceeding the maximum allowable rate
2 for that grade.

3 (iii) An employee who is receiving additional
4 compensation under the provisions of this section and who moves into a
5 position that does not require the skill to communicate in a language other
6 than English, or whose position no longer requires the use of the skill,
7 shall revert, on the effective date of the change, to the rate of pay for
8 which the employee would otherwise receive.

9 (iv) Authority to implement the provisions of this
10 subsection may be approved by the Office of Personnel Management after review
11 of the Legislative Council for specific positions identified by agencies and
12 institutions of higher education;

13 (2)(A) Employees promoted on or after July 1, 1999, shall have
14 the maximum annual salary for which they are eligible established as follows:

15 (i) For a minor promotion, the employee's maximum
16 rate of pay shall be increased by six percent (6%); and

17 (ii) For a major promotion, the employee's maximum
18 rate of pay shall be increased by eight percent (8%).

19 (B)(i) An employee who upon promotion is receiving a rate
20 of pay below Pay Level I for the new grade may be adjusted to the entry level
21 for that grade. In no event, however, may an employee's rate of pay upon
22 promotion exceed the amount provided for by Pay Level IV of the grade
23 assigned to the classification.

24 (ii) An employee's anniversary date shall not change
25 due to promotion;

26 (3)(A) Any employee who is assigned to a position in a
27 classification the employee formerly occupied within a twelve-month period
28 after promotion from the classification shall be eligible for a rate of pay
29 no greater than that for which the employee would have been eligible had the
30 employee remained in the lower-graded classification.

31 (B) Any employee who is placed in a lower-graded position
32 because the original position has expired due to lack of funding, program
33 changes, or withdrawal of federal grant funds may continue to be paid at the
34 same rate as the employee was being paid in the higher-graded position upon
35 approval of the Office of Personnel Management after seeking the review of
36 the Legislative Council; and

1 (4)(A)(i) When an employee's position has been approved for
2 reclassification to a classification title of a higher salary grade, the
3 employee shall be eligible for an additional six percent (6%) increase in the
4 new classification.

5 (ii) Upon reclassification, the salary of an
6 employee who is receiving a rate of pay that is less than the entrance rate
7 for the new grade may be adjusted to the new entrance rate.

8 (B) When an employee's position has been approved for
9 reclassification to a classification title of a lower salary grade, the
10 employee's pay shall be fixed at a rate in the lower grade which does not
11 exceed the employee's rate of pay in the higher-graded position at the time
12 of reclassification.

13 (c)(1) In the event that the Chief Fiscal Officer of the State
14 determines that general revenue funds are insufficient to implement the
15 salary increases authorized in this subchapter or by any other law which
16 affects salary increases for state employees, the Chief Fiscal Officer of the
17 State, upon approval of the Governor, may reduce the percentage of all
18 authorized salary increases for all state employees covered by this
19 subchapter without regard to whether the employees are compensated from
20 general or special revenues, federal funds, or trust funds.

21 (2) Provided that, if sufficient general revenues should then
22 become available at any time during the biennium to provide the maximum
23 additional salary increases for all state employees without regard to the
24 source of revenues, salary increases for state employees provided for in this
25 subchapter or by any other law may then be fully implemented by the Chief
26 Fiscal Officer of the State.

27 (d) All percentage calculations stipulated in this subchapter or any
28 other law affecting salaries of state employees may be rounded to the nearest
29 even dollar amount by the Office of Personnel Management when making the
30 percentage changes to state employee salaries.

31
32 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
33 General Assembly of the State of Arkansas that several changes in
34 compensation levels enacted during the previous session of the General
35 Assembly were applicable to the current biennium and that without this act
36 becoming effective at the beginning of the fiscal year state employees could

1 not be compensated at the approved level. Therefore, an emergency is
2 declared to exist and this act being necessary for the preservation of the
3 public peace, health, and safety shall become effective on July 1, 2003.

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/s/ Joint Budget Committee